

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR CRIMINAL COMPLAINT**

I, Arthur James Miceli, being duly sworn, hereby declare and state the following:

**Introduction and Agent Background**

1. This Affidavit is being submitted for the limited purpose of establishing probable cause that Martino Davon EUBANKS ("EUBANKS") has violated 18 U.S.C. § 2119(2), Carjacking, and 18 U.S.C. § 924(c)(1)(A)(iii), Use of a Firearm.

2. I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7) and Federal Rule of Criminal Procedure 41(a)(2)(C), as a Special Agent ("SA") of the Federal Bureau of Investigation ("FBI"). I am empowered to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

3. I was hired as a Special Agent with the Federal Bureau of Investigation in August 2009. I am currently assigned to the FBI Cleveland Field Office located in Cleveland, Ohio. As a Special Agent, my duties include conducting investigations involving possible criminal violations of Federal laws, particularly those laws located in Title 18 of the United States Code. I have conducted numerous criminal investigations of individuals involved in violations of complex financial crimes, public corruption, fraud against the government, bank robbery, and violent crimes.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

5. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that Martino Davon EUBANKS ("EUBANKS"), ~~EUBANKS~~ is

(JDA)  
(after telephone  
consultation with  
Agent Miceli)

suspected of Carjacking, in violation of 18 U.S.C. § 2119(2), and Use of a Firearm, in violation of 18 U.S.C. § 924(c)(1)(A)(iii).

**Facts And Circumstances Regarding Probable Cause**

**Carjacking / Shooting**

6. On June 10, 2024, at approximately 12:12 am, Cleveland Division of Police (“CDP”) Detectives James Howard and Robyn Grady were patrolling Cleveland’s Third District and driving an unmarked CDP car when a radio broadcast made them aware of an attempted aggravated robbery on Front Avenue near W. 10th Street involving a blue Mazda SUV and a gray Genesis SUV.

7. At approximately 12:42 am, while driving an unmarked CDP car, they observed the blue Mazda SUV and an unknown gray SUV traveling north on W. 10th Street. They attempted to get behind the vehicles to identify the make and model and retrieve plate information as the vehicles approached St. Clair Avenue and W. 9th Street. They observed the blue Mazda SUV pull in front of a white vehicle, with the gray Genesis SUV positioned directly behind the white vehicle. The unmarked CDP car was located directly behind the gray Genesis SUV. They then observed the gray Genesis SUV roll into the rear end of the white Maserati (later identified as a 2019 white Maserati with VIN: ZAM57YSL1K1320251 and Ohio license plate KGA2541).

8. At approximately 12:44 am, the driver of the white Maserati, a victim with the initials CH, along with his/her friend with initials WG (hereinafter known as “VICTIMS”), exited the vehicle to inspect damage after the gray Genesis SUV struck their rear bumper. The gray Genesis SUV backed up. Detective Howard and Detective Grady observed the front seat passenger of the gray Genesis SUV exit the vehicle with a rifle and both back seat passengers of the gray Genesis SUV exit with handguns.

9. Images 1 and 2 from a local business security video show the arrival of the blue Mazda SUV boxing in the victim's white Maserati from the front, the gray Genesis SUV bumping the rear of the victim's vehicle, and the black unmarked CDP vehicle arriving on the left of the image.

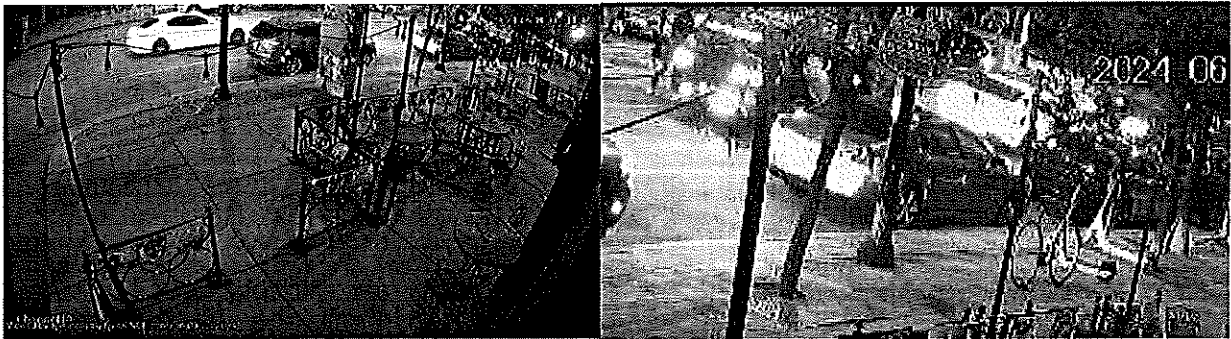


Image 1

Image 2

10. When the suspects exited the gray Genesis SUV, CH began to run from the driver's side of his white Maserati, passing the suspect's gray Genesis SUV and in the direction of the CDP unmarked vehicle. CH cut over to the sidewalk, trying to evade the suspects. One of the suspects, later identified as EUBANKS, chased CH while holding a handgun, later identified as a Glock 19GEN5.

11. At the same time, Detective Howard exited on the driver's side of the CDP unmarked vehicle and activated his Body Worn Camera ("BWC"). As he saw CH and EUBANKS running towards the other side of his vehicle, he began to make his way to the rear of the vehicle as seen in Images 3 and 4.



Image 3

Image 4

12. As CH and EUBANKS were reaching the CDP unmarked vehicle on the passenger side, Detective Grady exited on the passenger side. At that moment, EUBANKS fired one round striking CH in the right buttocks. The co-conspirators at this time re-entered the gray Genesis SUV and the blue Mazda SUV to flee the area.

13. EUBANKS continued to run along W. 9th Street towards Johnson Court, dropping the Glock 19GEN5 handgun as seen in Image 5 from another local business' security video. Detective Grady immediately recovered the firearm from the roadway as seen in Image 6 from BWC of Detective Howard. The firearm was later identified as a Glock 19GEN5 handgun with an extended magazine containing 24 live rounds. The firearm was secured in the CDP unmarked vehicle until it was later taken to CDP Third District where Detective Howard swabbed the firearm for DNA samples.

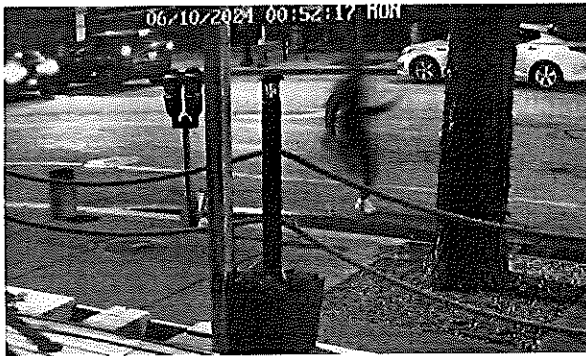


Image 5

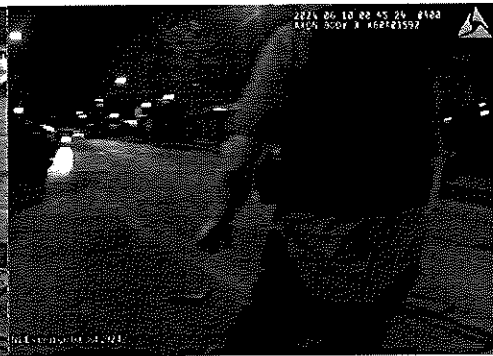


Image 6

14. As EUBANKS was fleeing, Detective Howard reported the incident over his radio. Additional CDP officers and EMS responded to the area. While some CDP officers attended to CH, the shooting victim, other responding CDP units executed a perimeter of the area where the suspect ran and began to canvas the area to locate him, specifically in and around Johnson Court. Detective Grady broadcasted the suspect's description, which was a black man wearing a blue

track suit with a white stripe down the side and a ski mask, who was approximately 6'3" and 180 pounds. All officers began searching on foot in the areas northeast of the shooting location because Detectives Howard and Grady did not observe the suspect at any time cross back over W. 9th Street.

15. Johnson Court runs in one direction of vehicle traffic east to west between W. 6th Street and W. 9th Street. Buildings align both sides of the road which canalize much of this roadway from directional egress other than use of the roadway.

16. At approximately 12:50 am, as CDP officers treated shooting victim CH for his injuries, Detective Grady searched the area. As seen in Image 7 on Detective Grady's BWC, Detective Grady located and recovered the shell casing in the vicinity of the shooting incident. That shell casing was then later entered into CDP Evidence.

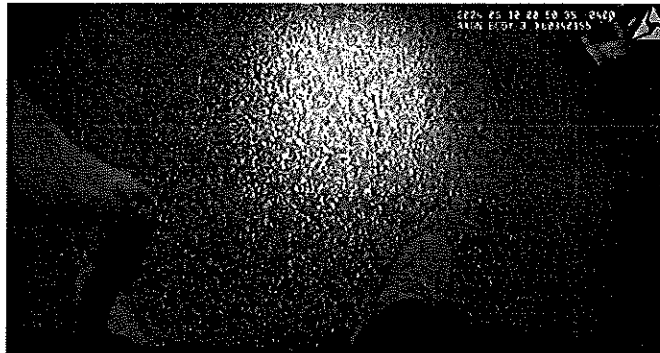


Image 7

#### **Search for EUBANKS**

17. On June 10, 2024, at approximately 1:12 am, Officer Laska and Mckenzie observed a black male, approximately 6 feet tall, exit the apartment building at 725 Johnson Court. The man was wearing a white T-shirt and blue jogging pants with a white stripe. He began walking east on Johnson Court. They broadcasted this information over their radio, as heard on Detective Howard's and Officer Vowell's BWC. CDP Officers on perimeter were located on W. 6th Street

and Johnson Court blocking that avenue of egress. Detectives Howard, Grady, and other CDP Officers approached the unidentified male from the west on W. 9th Street along Johnson Court. The suspect, later identified as EUBANKS, was detained and arrested.

18. After seeing EUBANKS exit 725 Johnson Court, the Worthington Yards Luxury Apartments, CDP began to search the common areas of the apartment complex.

19. On June 10, 2024, at approximately 1:38 am, CDP Officers Kelly Smith, Justin Pierce, and David Manns located a black hoodie sweatshirt and black mask abandoned in the apartment complex dog park, as seen and heard on their BWC. Image 8 shows the clothing items prior to them being collected for evidence.



Image 8

20. On June 10, 2024, at approximately 1:50 am, CDP Detective Foster was approached by a Worthington Yards resident with the initials MN. MN explained that someone matching the description of EUBANKS had just broken into his/her unlocked apartment. MN was playing video games when MN heard the sound of a door closing. It was at that moment that EUBANKS approached MN inside of MN's residence. EUBANKS stated, "I need your help, I need your help, I'll pay you, I need your phone." MN stated that, without hesitation, MN handed over MN's cellphone in fear of being harmed by the intruder. EUBANKS proceeded to dial a phone number,

(216) 278-3638. While inside MN's residence, MN provided EUBANKS with a glass of water, which EUBANKS drank. EUBANKS eventually exited MN's residence where he was encountered by CDP as described above.

21. CDP ran telephone number (216) 278-3638 through LexisNexis, which revealed that it is registered to Milika Eubanks.

22. CDP Crime Scene Unit responded to the arrest location to conduct a Gun Shot Residue test from EUBANKS and obtain a DNA swab from the water glass. The water glass was also collected as an evidence item. The Gun Shot Residue test is in the process of being submitted for laboratory analysis by CDP.

#### **Interstate Commerce**

23. From public records searches, I know that Maserati S.P.A. is an Italian luxury vehicle manufacturer. Established on December 1, 1914, in Bologna, Italy, the company's headquarters are now in Modena, Italy. For more than 100 years, all Maserati vehicles have been made in Italy. Therefore, all Maserati vehicles imported into the United States have traveled through foreign commerce.

24. From public records searches, I know that Glock, Inc., is an American firearms manufacturer. While their corporate headquarters is located in Smyrna, Georgia, USA, they manufacture pistols in both Georgia and the country of Austria. Therefore, all Glock, Inc., pistols manufactured in Georgia, USA, have traveled through interstate commerce and any Glock, Inc., pistols imported into the United States from Austria have traveled through foreign commerce.

#### **Conclusion**


25. Based on the foregoing, I submit there is probable cause to believe that, on June 10, 2024, EUBANKS, did, with the intent to cause death or serious bodily harm, attempt to take a

motor vehicle that had been transported, shipped, or received in interstate or foreign commerce from the person or presence of another by force and violence or by intimidation, in violation of 18 U.S.C. § 2119(2). Additionally, I submit there is probable cause to believe that, on June 10, 2024, EUBANKS, discharged a firearm during the commission of a felony, in violation of 18 U.S.C. § 924(c)(1)(A)(iii).

26. The above violations were committed in the Northern District of Ohio, Eastern Division.

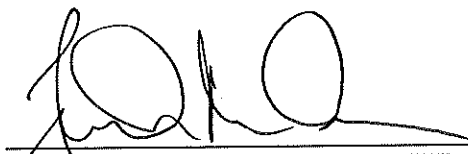
27. I request that an arrest warrant be issued for EUBANKS.

FURTHER YOUR AFFIANT SAYETH NOT.

  
Arthur J. Miceli, Special Agent  
Federal Bureau of Investigation

This Affidavit was sworn to me by the Affiant by telephone after a PDF was transmitted by email, per Fed. R. Crim. P. 4.1, 41(d)(3) on this 29<sup>th</sup> day of July, 2024. at 2:00 p.m.



  
JENNIFER DOWDELL ARMSTRONG  
United States Magistrate Judge